



UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Chambers of
J. Mark Coulson
U.S. Magistrate Judge

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October 29, 2014

LETTER OPINION TO ALL COUNSEL OF RECORD

Re: Deborah Amrhein et al v. Regency Management Services, LLC
Civil No. 13-CV-1114-JMC

Dear Counsel:

The Court has before it Plaintiffs' Motion for Approval of Accepted Rule 68 Offers of Judgment pertaining to Plaintiffs: Deborah Amrhein, Oswald Copeland, Brenda O'Brien, George Haley, and Michaela Lintz (ECF No. 257) and Defendants' Response consenting thereto (ECF No. 258). This is the parties' third attempt to obtain approval of these Rule 68 Offers of Judgment. (*See* ECF Nos. 157 & 158). In response to the parties' prior requests this Court held that an FLSA case cannot be concluded by a Rule 68 offer of judgment, but requires a review by the Court. (ECF Nos. 157 & 52). Accordingly, the Court will deny Plaintiffs' Motion without prejudice and directs the parties to file an appropriate Joint Motion for Approval within 14 days of this letter order.

By way of guidance, the parties' supporting memorandum should include specific factual representations and legal argument demonstrating what *bona fide* disputes exist and how the proposed settlement constitutes a fair and reasonable compromise of those disputed issues, using the factors discussed in *Saman v. LBDP, Inc.*, No. DKC-12-1083, 2013 WL 2949047, at *3 (D. Md. June 13, 2013).¹ The parties should attach the proposed settlement agreement as an exhibit, along with the

¹ If a *bona fide* dispute exists, courts evaluate the fairness and reasonableness of the settlement using the following factors:

"(1) the extent of discovery that has taken place; (2) the stage of the proceedings, including the complexity, expense and likely duration of the litigation; (3) the absence of fraud or collusion in the settlement; (4) the experience of counsel who have represented the plaintiffs; (5) the opinions of [] counsel . . . ; and (6) the probability of plaintiffs'

evidence necessary for me to evaluate the attorneys' fees using the lodestar approach. For guidance in providing the information necessary for the Court's lodestar analysis, counsel should review Chief Judge Chasanow's opinion in *Saman*, where the parties were required to supplement their motion with the necessary information. 2013 WL 2949047, at *6-7.

Despite the informal nature of this letter, it is an Order of the Court and the Clerk is directed to docket it as such.

Sincerely yours,

/s/

J. Mark Coulson
United States Magistrate Judge

success on the merits and the amount of the settlement in relation to the potential recovery." *Saman*, 2013 WL 2949047, at *3 (quoting *Lomascolo*, 2009 WL 3094955, at *10).